

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

RECEIVED

2007 JUN 21 A 9 17

Bradford L. Daley
51 Lee Rd 987
Phenix City, AL 36870

Plaintiff,

v.

Samuel S. Partridge,
In his private capacity
c/o Alabama State Bar
415 Dexter Ave
Montgomery, AL 36104

Defendant.

Civil Action Number

2:07-CV-551-ID

COMPLAINT

(CLAIM OF UNCONSTITUTIONALITY)
(CIVIL RIGHTS INJURIES)

DEMAND FOR JURY TRIAL

JURISDICTION AND VENUE

1. Jurisdiction is proper as Plaintiff petitions this Court for a redress of injuries sustained under authority of 42 USC 1983. Specifically, the Plaintiff's First, Fifth and Fourteenth Amendment rights guaranteed by the U.S. Constitution were violated by the Defendant's actions. Further, this Court has jurisdiction under 28 USC 1331, 28 USC 1343, 28 USC 2201 and 28 USC 2403.

2. Venue is proper under the authority of 28 USC 1391. The parties reside and are both physically located in the Middle District of Alabama which is also where the injuries occurred.

PARTIES

3. Plaintiff, Bradford L. Daley, an aggrieved party and hereinafter referred to as "Daley," resides at 51 Lee Rd 987, Phenix City, AL 36870, (334) 448-4978.

SCANNED
6/21/07

4. Defendant, Samuel S. Partridge, hereinafter referred to as "Partridge," is the Assistant General Counsel for the Alabama State Bar and can be served c/o Alabama State Bar, 415 Dexter Ave, Montgomery, AL 36104.

FACTUAL ALLEGATIONS

5. COUNT I – On 22 March 2007, Partridge under color of law mailed or caused to be mailed a letter alleging that Daley was criminally liable for the unauthorized practice of law by representing 8 individuals all of which were citizens of the State of Alabama (see Exhibit A). Daley responded on 4 April 2007 with a phone call to Partridge explaining that Daley did not in fact represent either the individuals identified or anyone else for that matter. Notwithstanding, these individuals were included by Daley in a settlement counter-offer for an Alabama civil suit styled as CV-2006-558 in the Circuit Court of Lee County Alabama. Affidavits of the 8 individuals were secured by Daley and subsequently mailed to Partridge (See Exhibit B) thereby refuting the allegations on 18 May 2007.

6. COUNT II - On 4 April 2007, Partridge under color of law stated that any attempt by Daley to negotiate a debt of any kind for a citizen of the State of Alabama constituted the unauthorized practice of law in violation of Section 34-3-1, Code of Alabama, entitled "Unlawful Practice of Law." This law states as follows:

If any person shall, without having become duly licensed to practice, or whose license to practice shall have expired either by disbarment, failure to pay his license fee within 30 days after the day it becomes due, or otherwise, practice or assume to act or hold himself out to the public as a person qualified to practice or carry on the calling of a lawyer, he shall be guilty of a misdemeanor and fined not to exceed \$500.00, or be imprisoned for a period not to exceed six months, or both.

Daley maintains that negotiating a debt is neither included nor intended within this statute.

7. COUNT III - On 4 April 2007, Partridge threatened issuing a criminal complaint and proceeding *quo warranto* resulting in Daley's physical imprisonment and property loss if Daley did not stop negotiating debts on behalf of others in Alabama, as

well as any and all other activity arbitrarily and subjectively determined by him as the unlawful practice of law. Partridge's overly broad assertions and application of the statute coupled with his conduct exceed the scope of his public duties as Assistant General Counsel for the State Bar of Alabama and violate Daley's right of free speech and the absolute right to make/enter into contracts. See *Hale v. Henkel*, 201 US 43 (1905).

REMEDY SOUGHT


8. Daley seeks a jury's determination and civil judgment against Partridge for the following:

- A) Punitive, exemplary and treble damages for \$10,000,000.00;
- B) Reasonable litigation fees and court costs;
- C) Permanent Injunction against Partridge and all of the members of Alabama State Bar allowing Plaintiff to negotiate debts for anyone in Alabama with whom he contracts;
- D) Award of actual and compensatory damages for lost potential income;
- E) Declaratory Judgment and Determination by this Court, that Alabama State Law, specifically Section 34-3-1, Code of Alabama (1975), entitled "unlawful practice of law" be struck down as unconstitutional. The statute is grossly vague, and its overly broad application by the Defendant is detrimental to not only Daley's unalienable rights, but to all Alabama citizens;
- F) Any and all further relief as the Court and Jury deem appropriate.

JURY TRIAL DEMANDED

**ASSIGNMENT OF JUDGE REQUESTED THAT IS NOT A MEMBER OF THE
ALABAMA STATE BAR**

Prepared and Submitted by: _____


Bradford L. Daley



ALABAMA STATE BAR
THE DISCIPLINARY COMMISSION
TELEPHONE 334-269-1515
P.O. BOX 671
MONTGOMERY, AL 36101

FAX: 334/261-6311

DELIVERY ADDRESS:
415 DEXTER AVENUE
MONTGOMERY, AL 36104

March 22, 2007

VIA CERTIFIED MAIL/RETURN RECEIPT & REGULAR MAIL

Mr. Bradford Daly
51 Lee Road 987
Phenix City, AL 36870

RE: UPL 06-42

Dear Mr. Daley:

It has come to our attention that you are again practicing law. We have received information indicating that you represent the following individuals:

David Chesnut
Adam Green
Sheri Huffman
Jennifer Olsen

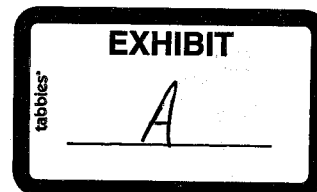
Paula Chesnut
Diana Green
Cynthia Thornton
Fran Banister

On January 22, 2004, you signed a cease and desist affidavit. When you signed the affidavit, you agreed that you would not engage in any activity in the future which constituted or is the unauthorized practice of law. You also agreed that should you violated the agreement, you would be responsible for any and all attorney's fees and expenses incurred, including court costs.

From the information we have been provided, it appears you have violated this agreement. If you do not cease this activity immediately, we will pursue criminal charges against you.

Best regards,

Samuel S. Partridge
Assistant General Counsel



AFFIDAVIT

I, Sheri Huffman, affiant herein, declare under penalty of perjury under the laws of the United States of America and the State of Alabama, that affiant is competent to be a witness and that the facts contained herein are true, correct, complete, and not misleading, and do state the following:

1. That I am neither now nor have I ever been represented in any way by Bradford Daley.
2. That I have suffered financially, emotionally and socially as a result of the actions of the law firm known as Zarzaur & Schwartz, PC.

Further, Affiant says not.

IN WITNESS THEREOF, I have set my hand this 9 day of April, 2007.

Sheri Huffman
Sheri Huffman

On this 9th day of April, 2007, before me, the undersigned Notary Public personally appeared Sheri Huffman, known to me to be the individual executing the foregoing Affidavit.

Notary Public

Wanda Renee Wiseren

My Commission Expires

6-13-2009

AFFIDAVIT

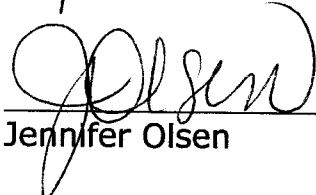
I, Jennifer Olsen, affiant herein, declare under penalty of perjury under the laws of the United States of America and the State of Alabama, that affiant is competent to be a witness and that the facts contained herein are true, correct, complete, and not misleading, and do state the following:

1. That I am neither now nor have I ever been represented in any way by Bradford Daley.
2. That I have suffered financially, emotionally and socially as a result of the actions of the law firm known as Zarzaur & Schwartz, PC.

Further, Affiant says not.

IN WITNESS THEREOF, I have set my hand this 9th day of

April, 2007.



Jennifer Olsen

On this 9th day of APRIL, 2007, before me, the undersigned Notary Public personally appeared Jennifer Olsen, known to me to be the individual executing the foregoing Affidavit.

Notary Public



My Commission Expires

MY COMMISSION EXPIRES AUGUST 10, 2010

AFFIDAVIT

I, Cynthia Thornton, affiant herein, declare under penalty of perjury under the laws of the United States of America and the State of Alabama, that affiant is competent to be a witness and that the facts contained here are true, correct, complete, and not misleading, and do state the following:

1. That I am neither now, nor have I ever been, represented in any way by Bradford Daley
2. That I have suffered emotionally and socially as a result of the actions of the law firm known as Zarzaur & Schwartz, PC

Further, Affiant says not.

IN WITNESS THEREOF, I have set my hand this 5th day of April, 2007.

Cynthia Thornton
Cynthia Thornton

On this 5th day of April, 2007, before me, the undersigned Notary Public, personally appeared Cynthia Thornton, known to me to be the individual executing the foregoing Affidavit.

Notary Public

Gale Robertson

My Commission Expires

8/31/09


AFFIDAVIT

I, Paula Chesnut, affiant herein, declare under penalty of perjury under the laws of the United States of America and the State of Alabama, that affiant is competent to be a witness and that the facts contained herein are true, correct, complete, and not misleading, and do state the following:

1. That I am neither now nor have I ever been represented in any way by Bradford Daley.
2. That I have suffered financially, emotionally and socially as a result of the actions of the law firm known as Zarzaur & Schwartz, PC.

Further, Affiant says not.

IN WITNESS THEREOF, I have set my hand this 6 day of April, 2007.



Paula Chesnut

On this 6th day of April, 2007, before me, the undersigned Notary Public personally appeared Paula Chesnut, known to me to be the individual executing the foregoing Affidavit.

Notary Public



My Commission Expires

6-21-2010

AFFIDAVIT

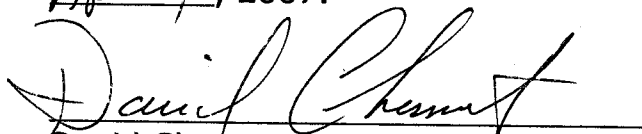
I, David Chesnut, affiant herein, declare under penalty of perjury under the laws of the United States of America and the State of Alabama, that affiant is competent to be a witness and that the facts contained herein are true, correct, complete, and not misleading, and do state the following:

1. That I am neither now nor have I ever been represented in any way by Bradford Daley.
2. That I have suffered financially, emotionally and socially as a result of the actions of the law firm known as Zarzaur & Schwartz, PC.

Further, Affiant says not.

IN WITNESS THEREOF, I have set my hand this 6 day of

April, 2007.


David Chesnut

On this 6th day of April, 2007, before me, the undersigned Notary Public personally appeared David Chesnut, known to me to be the individual executing the foregoing Affidavit.

Notary Public

My Commission Expires



6-21-2010

AFFIDAVIT

I, Fran Banister, affiant herein, declare under penalty of perjury under the laws of the United States of America and the State of Alabama, that affiant is competent to be a witness and that the facts contained herein are true, correct, complete, and not misleading, and do state the following:

1. That I am neither now nor have I ever been represented in any way by Bradford Daley.
2. That I have suffered financially, emotionally and socially as a result of the actions of the law firm known as Zarzaur & Schwartz, PC.

Further, Affiant says not.

IN WITNESS THEREOF, I have set my hand this 20th day of

April, 2007.

Fran Banister

Fran Banister

On this 20th day of April, 2007, before me, the undersigned Notary Public personally appeared Fran Banister, known to me to be the individual executing the foregoing Affidavit.

Notary Public

Linda R. Davis

My Commission Expires

MY COMMISSION EXPIRES JANUARY 26, 2008

AFFIDAVIT

I, Adam Green, affiant herein, declare under penalty of perjury under the laws of the United States of America and the State of Alabama, that affiant is competent to be a witness and that the facts contained herein are true, correct, complete, and not misleading, and do state the following:

1. That I am neither now nor have I ever been represented in any way by Bradford Daley.
2. That I have suffered financially, emotionally and socially as a result of the actions of the law firm known as Zarzaur & Schwartz, PC.

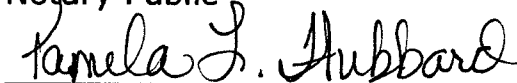
Further, Affiant says not.

IN WITNESS THEREOF, I have set my hand this 5 day of April, 2007.


Adam Green

On this 5 day of April, 20 07, before me, the undersigned Notary Public personally appeared Adam Green, known to me to be the individual executing the foregoing Affidavit.

Notary Public


Pamela L. Hubbard

My Commission Expires

4-5-07

12-8-08

AFFIDAVIT

I, Diana Green, affiant herein, declare under penalty of perjury under the laws of the United States of America and the State of Alabama, that affiant is competent to be a witness and that the facts contained herein are true, correct, complete, and not misleading, and do state the following:

1. That I am neither now nor have I ever been represented in any way by Bradford Daley.
2. That I have suffered financially, emotionally and socially as a result of the actions of the law firm known as Zarzaur & Schwartz, PC.

Further, Affiant says not.

IN WITNESS THEREOF, I have set my hand this 5 day of April, 2007.

Diana Green
Diana Green

On this 5th day of April, 2007, before me, the undersigned Notary Public personally appeared Diana Green, known to me to be the individual executing the foregoing Affidavit.

Notary Public

Pamela L. Hubbard

My Commission Expires

~~4-5-07~~

12-8-08

Bradford Daley
51 Lee Rd 987
Phenix City, AL 36870
334-448-4978

16 May 2007

VIA CERTIFIED MAIL/RETURN RECEIPT # 7006 3450 0002 0854 6114

Samuel S. Partridge
c/o Alabama State Bar
415 Dexter St
Montgomery, AL 36104

RE: Your letter directed to me dated 22 March 2007 & conversation of 4 April 2007

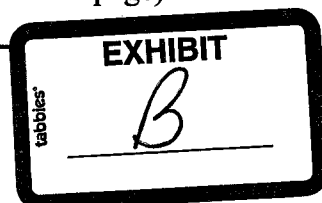
Dear Mr. Partridge:

First, please find enclosed 8 affidavits (See Exhibits A-H) executed by the individuals whom you allege and assert, under color of law, I unlawfully represent based on information you claim to have received. I certify under penalty of perjury of the laws of both the United States of America and the State of Alabama that the exhibits referenced herein are true and correct copies of the originals and are available for your inspection at any reasonable time. This information refutes your allegations outlined in your letter and addresses some of your assertions communicated to me by you on 4 April 2007. Notwithstanding, under the authority of 5 USC 552, the Freedom of Information Act, I hereby request verified copies of the information you claim to have received relevant to me.

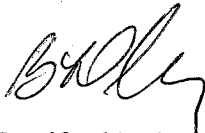
Second, our telephone conversation on 4 April 2007, has left me quite confused, concerned and alarmed. You stated to me that if I negotiated a debt for anyone in Alabama, I would be guilty of the unlawful practice of law and prosecuted by you (or others in concert with you) *quo warranto* resulting in both my loss of property and personal freedom. I have reviewed the relevant statute, Section 34-3-1, Code of Alabama (1975), but cannot find where such a practice is illegal. Consequently, your threats and attempted intimidation under color of law regarding this and your other allegations is of great concern to me and my family. I fear you and/or others in concert with you are attempting to deprive me of my guaranteed personal rights and freedoms.

Please respond under penalty of perjury within 14 days of receipt. If I have misunderstood your comments or assertions in any way whatsoever, this is your chance to correct the record. If you choose to ignore my requests, I shall pursue other remedies. Silence is acquiescence.

(Signature located on next page)



Sincerely,



Bradford Daley

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

Bradford L. Daley
51 Lee Rd 987
Phenix City, AL 36870

Plaintiff,

V.

**Samuel S. Partridge,
In his private capacity
c/o Alabama State Bar
415 Dexter Ave
Montgomery, AL 36104**

Defendant.

Civil Action Number

2:07-cv-551-ID

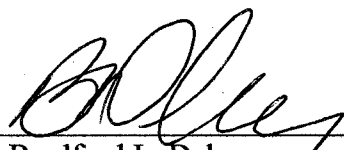
PLAINTIFF'S AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Bradford Daley, Affiant herein, declare under penalty of perjury under the laws of the United States of America and the State of Alabama, that Affiant is competent to be a witness and that the facts contained herein are true, correct, complete, and not misleading, and do state the following:

1. Samuel S. Partridge, in his private capacity and as Assistant General Counsel for the Alabama State Bar, under color of law, violated my constitutional rights to free speech by making false accusations and threatening statements with the deliberate and willful intent to intimidate and coerce.
2. Samuel S. Partridge, in his private capacity and as Assistant General Counsel for the Alabama State Bar, under color of law, willfully and deliberately violated my constitutional rights by depriving me of my absolute right to make and enter into contracts by threatening arrest and imprisonment with the use of intimidation, fear and coercion.
3. Samuel S. Partridge, in his private capacity and as Assistant General Counsel for the Alabama State Bar, under color of law, stated that if I negotiated a debt of any kind for any person in Alabama, I was criminally liable and guilty of the unlawful

practice of law, thereby violating my absolute right to contract and constitutionally guaranteed rights of due process.

4. Samuel S. Partridge, in his private capacity and as Assistant General Counsel for the Alabama State Bar, under color of law, has attempted to interfere with my rights to life, liberty and the pursuit of happiness by applying his own subjective and overly broad interpretations in conjunction with his own personal agenda against me.


Bradford L. Daley

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF ALABAMA

COUNTY OF RUSSELL

Before me, the undersigned, a Notary Public in and for said County and State on this 18 day of June, 2007, personally appeared Bradford L. Daley, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that he and she executed the same as his and her free and voluntary act. Given under my hand and seal the day and year last above written.

My commission expires MY COMMISSION EXPIRES OCT. 11, 2008


Notary Public